

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Civ. No.

BRYAN SEXTON,

Petitioner,

JAKE KARAM, KENT HUGHES,
VLADIMIR SHUSHKOVSKY, and IAN WINTER ,

Respondents.

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AFFIDAVIT OF BRYAN SEXTON IN SUPPORT OF MOTION.

State of Florida }
 } ss:
County of }

BRYAN SEXTON, being duly sworn, deposes and states:

1. I am the petitioner in the above entitled action and make this affidavit in support of the motion and petition to vacate an arbitration award dated July 28, 2014.
2. The purpose of this affidavit is to set forth certain facts of which I have personal knowledge.

3. After the arbitrators granted me the right to amend the amount of my claim in March of 2013, I discussed with Carmen Preda, case manager at the ICDR, any additional fees that would result from this increase. Ms. Preda informed me that the ICDR has the discretion to not assess certain bills and would not bill for this increase because of high fees and expenses already incurred in the case.

4. On June 16, 2014, an invoice was received by me via U.S. Postal Service (Exhibit C to petition). This invoice was for a total of \$3,616.10 of which \$3,390 was a "Fee for Increased Claim." In the past, I had been informed of billing increases from Ms. Preda via email. However, I was not notified of this invoice by Ms. Preda.

5. After receiving the invoice, I called Ms. Preda and asked her why I was being charged an extra fee for May of 2014. Ms. Preda told me that the reason this fee was now being charged was that the arbitrators had sent the award to the ICDR in May and an "accounting error" regarding the filing fee had been uncovered through review of this award.

6. I reminded Ms. Preda that she told me in March of 2013 that the fee for the increase would be waived. Ms. Preda told me that the decision to waive the filing fee in March of 2013 was a mistake and that the ICDR would no longer be able to waive the fee.

7. I then asked Ms. Preda when I should expect the award to be sent. She said that all that remained was for the arbitrators to sign and notarize the award, but this had been delayed because the chairman of the panel had a sick family member and he had been unable to sign the award.

WHEREFORE, your deponent requests the relief set forth in petitioner's motion to vacate and such and further relief as to the court shall seem just and proper.

Bryan Sexton 10/6/14

Bryan Sexton

On the 6 day of October, 2014, before me came Bryan Sexton, to me known, who being duly sworn, stated that he signed the foregoing affidavit.

Lynda R. Green

Notary Public



LYNDA R. GREEN
MY COMMISSION # FF 107189
EXPIRES: March 27, 2018
Bonded Thru Budget Notary Services